



**Briefing presented to the...**

# **Nuclear Waste Technical Review Board's Panel on the Waste Management System**

**By**

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# **Federal Regulatory Framework**

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- **Overview of Federal Role and Responsibility**
- **DOT Role and Responsibility**
- **DOT Ongoing Operations**
- **NRC Role and Responsibility**
- **NRC Ongoing Operations**

# Federal Roles and Authorities

## Regulators



- Hazardous Materials Transportation Act
- Nuclear Waste Policy Act - Section 137



- Nuclear Waste Policy Act
- Nuclear Waste Policy Amendments Act
- Atomic Energy Act

## Regulated



- Nuclear Waste Policy Act
- Nuclear Waste Policy Amendments Act
- Atomic Energy Act

# **DOT - NRC**

## **Memorandum of Understanding (MOU)**

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### **Overlapping Regulatory Responsibilities... MOU Adopted in 1979**



- **DOT has responsibility for the overall classification of radioactive material and the standards/requirements for both Type A and LSA/SCO materials**
- **DOT has responsibility for developing overall safety standards for mechanical condition of carrier equipment, driver qualifications, loading and unloading, vehicle placarding, and communication**
- **DOT serves as National Competent Authority**

**Continue.**

# **DOT - NRC**

## **Memorandum of Understanding (MOU)**

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- **NRC is responsible for regulating receipt, possession, use, and transfer of by-product, source, and special nuclear materials**
- **NRC develops standards for design and performance of packages for Type B and Fissile materials**

**DOT**



**-**

**DOE**

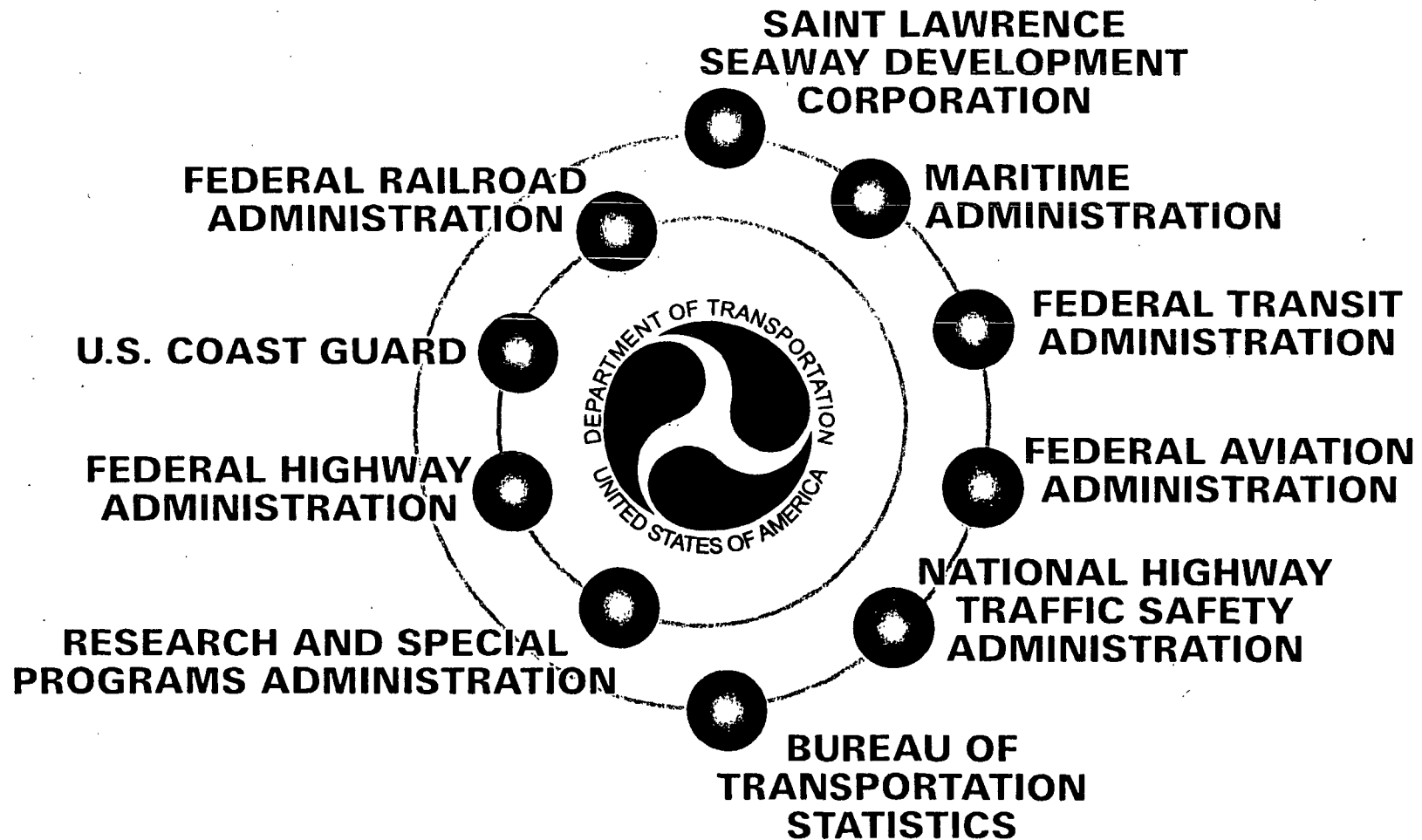


## **Memorandum of Understanding (MOU)**

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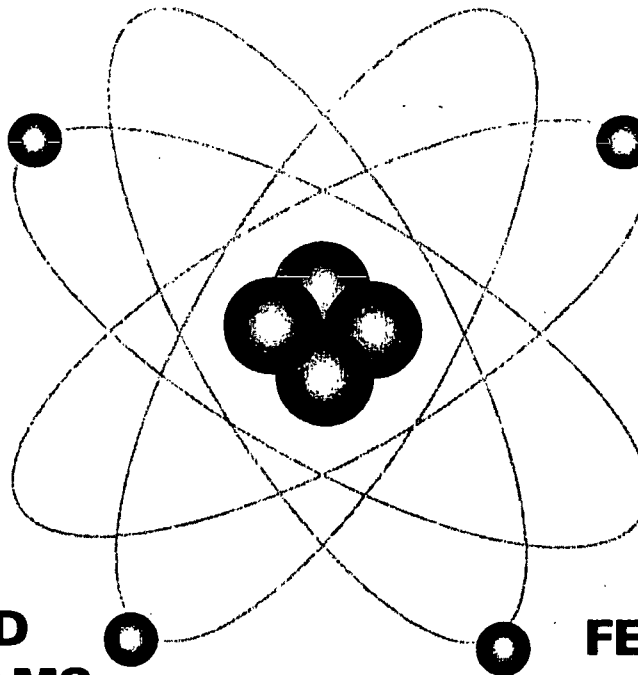
- **DOT and DOE both have responsibilities under the Nuclear Waste Policy Act**
- **MOU specifies that management of transportation under NWPA resides with DOE/OCRWM**
- **Transportation to any repository developed under NWPA will be subject to applicable DOT regulations**
- **Compliance and inspection shall be managed jointly and will address pre-shipment, en route, and post shipment requirements**
- **MOU provides for procedures for consultation and exchange of information**

# Department of Transportation Operating Elements



# **Operating Elements - High Level Radioactive Materials**

**U.S. COAST GUARD**



**FEDERAL HIGHWAY  
ADMINISTRATION**

**RESEARCH AND  
SPECIAL PROGRAMS  
ADMINISTRATION**

**FEDERAL  
RAILROAD  
ADMINISTRATION**



# **Ongoing Operations**

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- **Highway and Rail Routing Requirements**
- **Preemption**
- **Enforcement Program**
- **Training Requirements**
- **Mode and Route Study**
- **Dedicated Train Study**

# **Highway Routing Requirements**

- **Highway routing of spent nuclear fuel (SNF) is regulated by FHWA**
- **Shipment of SNF must travel “preferred routes” (Absent State action, preferred route is Interstate highway system)**
- **State may designate route alternatives in accordance with “Guidelines for Selecting ...” and in consultation with local jurisdictions and affected States**

# **Rail Routing Requirements**

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- **No specific RAIL routing requirements**
- **RAIL routes determined by carriers, generally in conjunction with shippers**
- **RAIL spent fuel shipments in compliance with overall safety regulations**

# **Preemption**

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*Any requirement of a State or political subdivision thereof or Indian tribe preempted if ...*

- **Compliance with both the State or political subdivision or Indian tribe requirement and any requirements of an applicable federal regulation is not possible, or**
- **The state or political subdivision or Indian tribe requirement, as applied, creates an obstacle to the execution of an applicable federal regulation, or**
- **Any provision concerning a “covered subject” which is not “substantively the same” as the hazardous materials regulation**

# **Enforcement Program**

- **Office of Hazardous Materials Enforcement**
- **DOT Modal Administrations**
- **Nuclear Regulatory Commission**
- **State and Tribal Governments**

# **Training Requirements**

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- **In accordance with Subpart H of 49 CFR Part 172, a hazardous materials employer is required to provide function specific training encompassing:**
  - **General awareness / familiarization training**
  - **Specific training for job function performed**
  - **General safety training**
  
- **Similar mode specific training requirements are detailed in parts 174, 175, 176, and 177**

# **Mode and Route Study**

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## ***Required by:***

- **Section 15, Hazardous Materials Transportation Uniform Safety Act of 1990**

## ***Purpose:***

- **"...To determine which factors, if any, should be taken into consideration by shippers and carriers in order to select routes and modes which, in combination, would enhance overall public safety..."**
- **"...Assess the degree to which various factors...affect the overall public safety of such shipments..."**

# **Dedicated Train Study**

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## ***Purpose:***

- **Assess the comparative safety of transporting high-level radioactive materials**
- **HMTUSA requires reassessment of regulations based on study findings**